S.B. CIVIL WRIT PETITION NO.1909/2004
(Pakhar Singh vs. Shri Balraj Singh & Ors.)

Date :: 11.04.2007

HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr.D.S. Gadsna , for the petitioner.
Mr.C.S. Kotwani, for the respondents.

Heard learned counsel for the petitioner.

By way of filing present writ petition, the petitioner has prayed for quashing of the order Annexure-3 dated 27th March, 2004 passed by the Additional District Judge No.2, Sri Ganganagar whereby the application filed by the plaintiff-respondent under Order 7 Rule 14 CPC was allowed.

It is contended by learned counsel for the petitioner that plaintiff-respondent moved an application under Order 7 Rule 14 CPC for taking certain documents on record. A reply to the application was filed by the petitioner and it was brought to the notice of the trial court that those documents cannot be taken on record. In the reply certain grounds were also raised by the petitioner, but none of the grounds raised in the reply were considered by the learned trial court and impugned order dated 27th March, 2004 has been passed.

I have perused the order impugned dated 27th March, 2004.

Upon perusal of the order impugned, it is clear that learned trial court did not consider the grounds raised by the petitioner in reply to the application filed under Order 7 Rule 14 CPC. Therefore, in the interest of justice, the order impugned dated 27th March, 2004 passed by Additional District Judge No.2, Sri Ganganagar is set aside to the extent of allowing the application filed under Order 7 Rule 14 CPC and the case is remitted to the learned trial court with the direction that after hearing both the parties upon application filed under Order 7 Rule 14 CPC, the application shall be decided afresh on merit.

With these directions, the petition is disposed of.

[GOPAL KRISHAN VYAS],J.

A.K. Chahar/-